REMARKS

Reconsideration is respectfully requested.

INTERVIEW SUMMARY

The Examiner agreed that the specification need not be amended to recite that it was a continuation of the PCT case; a cross-reference to the PCT case is added hereby.

The Examiner's rationale for addition of formula(e) to the specification is to facilitate the Examiner's search. To assist the Examiner, such formulae have been inserted into the Examples. The support for the formulae is in the nomenclature preceding the formula.

ISSUES IN THE OUTSTANDING OFFICE ACTION

The Examiner comments at page 2, in paragraphs numbered 2 and 3, have been addressed above.

The Examiner has based the restriction and species requirement on Devon et al. (U.S. 4,960,949) indicating that the bidentate ligand "is common technical feature in the three groups , when n is 0, R1 and R2 is cycloaliphatic radical, R3 and R4 is hydrogen, and Y is P atom in their generic formula." The Examiner has also withdrawn claims 3-4, 8-10 and 20 on the above basis under the species requirement.

The Examiner uses the same basis in Devon et al. (U.S. 4,960,949) for the 35 USC § 103 objection.

Applicants traverse the rejection of claims over Devon et al. (U.S. 4,960,949) under 35 USC § 103(a), for the following reasons; and Applicants request reconsideration of the Examiner's decisions pertaining to the restriction and election requirement [based on Devon et al.] for the same reasons. Firstly, there is no indication in Devon et al that the cycloaliphatic radicals should be joined to the phosphorus and the linking group CR3R4 via a tertiary carbon atom or even that a cycloaliphatic radical with a tertiary carbon is envisaged. Secondly, the cycloaliphatic groups of Devon et al. necessarily have "4-8 ring carbons" as detailed on column 3, lines 27-28 and as claimed in claim 1 of Devon et al. There is no suggestion in Devon et al. that the disclosure of Devon et al. extends to adamantyl radicals. Still further, column 3, lines 35-41 and none of the examples of Devon et al. indicate a tertiary carbon joined to the phosphorus and the linking group CR3R4 but are always restricted to the phenylene groups which necessarily join to the phosphorus via a secondary carbon and, in any case are not cycloaliphatic.

The improvements in activity found with the ligands of the present invention and illustrated in tables 2 and 3 using comparative ligands of high activity could not have been envisaged by the skilled man after reading Devon et al. There is no teaching whatsoever in Devon et al. that a cycloaliphatic group should be selected, that it should be one with tertiary carbon atoms, that it should have 10 ring atoms and be joined to the phosphorus via one of the tertiary carbon atoms.

Applicants submit that Devon et al. does not render the rejected compositions structurally obvious. There is no indication on the record that a person of ordinary skill would consider applicants' compounds as flowing from the disclosure of Devon et al. notwithstanding the structural differences, noted above. Applicants note that the U.S. PTO has advanced little, if any, "reason(s)" for application of Eastham et al. and will reserve comment until provided with the same. Withdrawal of the rejections under 35 USC § 103 and the Examiner's position on the restriction/election requirement are respectfully solicited.

An early allowance is respectfully solicited.

Respectfully submitted,

Date: July 30 2007

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